

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
14 - CA - 136628	September 12, 2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Carson Management Inc. Restaurant 5786, LLC, d/b/a McDonald's and McDonald's USA, LLC as Joint or Single Employer		b. (816) 373-9996
c. Address (street, city, state ZIP code) 16802 Gudgell Road Independence, MO 64055 And One McDonald's Plaza Oak Brook, IL 60523		d. Employer Representative (b) (6), (b) (7)(C)
e. Type of Establishment (factory, nursing home, hotel) Restaurant		f. Fax No.
g. e-Mail		h. Dispute Location (City and State)
j. Principal Product or Service Fast Food		k. Number of workers at dispute location

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the Employer, through its officers, agents, and representatives at its facilities, has violated the National Labor Relations Act by its rule limiting solicitation, and overly broad rule not to disclose or make statements related to the Company, its business or affairs.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Worker's Organizing Committee - Kansas City

4a. Address (street and number, city, state, and ZIP code)

P.O. Box 5946

Kansas City, MO 64171

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

N/A

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: *Fred Wickham*
(signature of representative or person making charge)
Address:
4317 S. River Blvd., Independence, MO 64055

Fred Wickham, Attorney for
WOC-KC

Print Name and Title

Date:

9-12-2014

Tel. No
(816) 753-8751.

Office, if any, Cell No.

Fax No. (816) 373-9540

e-Mail
fred@wickham-wood.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-1149344892



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlr.gov
Telephone: (913)967-3000
Fax: (913)967-3010



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September 12, 2014

(b) (6), (b) (7)(C)

Carson Management Inc. Restaurant 5786, LLC
16802 Gudgell Road
Independence, MO 64055

Re: Carson Management Inc. Restaurant 5796, LLC,
d/b/a McDonald's and McDonald's USA, LLC as
Joint or Single Employer
Case 14-CA-136628

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner LYNN FLEMING (lynn.fleming@nlrb.gov), whose telephone number is (913)967-3011. If this Board agent is not available, you may contact Deputy Regional Attorney MARY G. TAVES whose telephone number is (913)967-3003.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and

September 12, 2014

complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

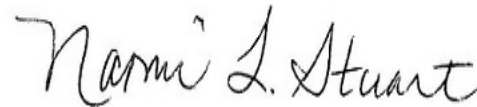
Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL L. HUBBEL
Regional Director

By:



NAOMI STUART
Officer in Charge

DLH:kec
Enclosures
cc: see page 3

Carson Management Inc. Restaurant 5796, - 3 -
LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

September 12, 2014

cc: MCDONALD'S USA, LLC AS JOINT OR
SINGLE EMPLOYER
ONE MCDONALD'S PLAZA
OAK BROOK, IL 60523

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAMECarson Management Inc. Restaurant 5796, LLC, d/b/a McDonald's and
McDonald's USA, LLC as Joint or Single Employer**CASE NUMBER**

14-CA-136628

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$**YES****NO**B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods
valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems,
newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If
less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate
amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who
purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate
amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points
outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**CARSON MANAGEMENT INC. RESTAURANT
5796, LLC, D/B/A MCDONALD'S AND
MCDONALD'S USA, LLC AS JOINT OR
SINGLE EMPLOYER**

Charged Party

and

**WORKER'S ORGANIZING COMMITTEE-
KANSAS CITY**

Charging Party

Case 14-CA-136628

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 12, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Carson Management Inc. Restaurant 5786, LLC
16802 Gudgell Road
Independence, MO 64055

MCDONALD'S USA, LLC AS JOINT OR
SINGLE EMPLOYER
ONE MCDONALD'S PLAZA
OAK BROOK, IL 60523

September 12, 2014

Date

Karen Clemoens, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlr.gov
Telephone: (913)967-3000
Fax: (913)967-3010



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September 12, 2014

Worker's Organizing Committee-Kansas City
PO Box 5946
Kansas City, MO 64171

Re: Carson Management Inc. Restaurant 5796,
LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

Dear Sir or Madam:

The charge that you filed in this case on September 12, 2014 has been docketed as case number 14-CA-136628. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner LYNN FLEMING (lynn.fleming@nlrb.gov), whose telephone number is (913)967-3011. If this Board agent is not available, you may contact Deputy Regional Attorney MARY G. TAVES whose telephone number is (913)967-3003.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

September 12, 2014

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.


Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DANIEL L. HUBBEL
Regional Director

By: 
NAOMI STUART
Officer in Charge

DLH:kec
Enclosure

cc: Fred Wickham, Attorney
Wickham & Wood, LLC
4317 S River Blvd
Independence, MO 64055-4586

From: Taves, Mary G.
Sent: Monday, September 15, 2014 2:23 PM
To: Taves, Mary G.
Subject: Don't send (b) (6), (b) (7)(C) charge, but now include (b) (6), (b) (7)(C).

From: Hubbel, Daniel L
Sent: Thursday, September 04, 2014 8:15 AM
To: Flynn, Lucinda L.; Murphy, Marion L.; Perez, Leonard J.; Stuart, Naomi L.; Taves, Mary G.; Tobey, Mary J.; Wade-Wilhoit, Susan A.; Yochim, Gina; Zuch, Lynette K.
Subject: FW: Sep. 2 -- BNA, Inc. Daily Labor Report - Walk Off of Fast Food Workers

FYI

From: Purcell, Anne G.
Sent: Wednesday, September 03, 2014 4:34 PM
To: ML-HQ-GC Field RA's/ARD's; ML-Regional Directors (R)
Cc: ML-HQ-Ops Management
Subject: Sep. 2 -- BNA, Inc. Daily Labor Report - Walk Off of Fast Food Workers

In light of the anticipated walk off tomorrow of employees working for fast food restaurants (see highlighted section of BNA attached below), (b) (5)

[REDACTED]

(b) (5)

[REDACTED]

(b) (5)

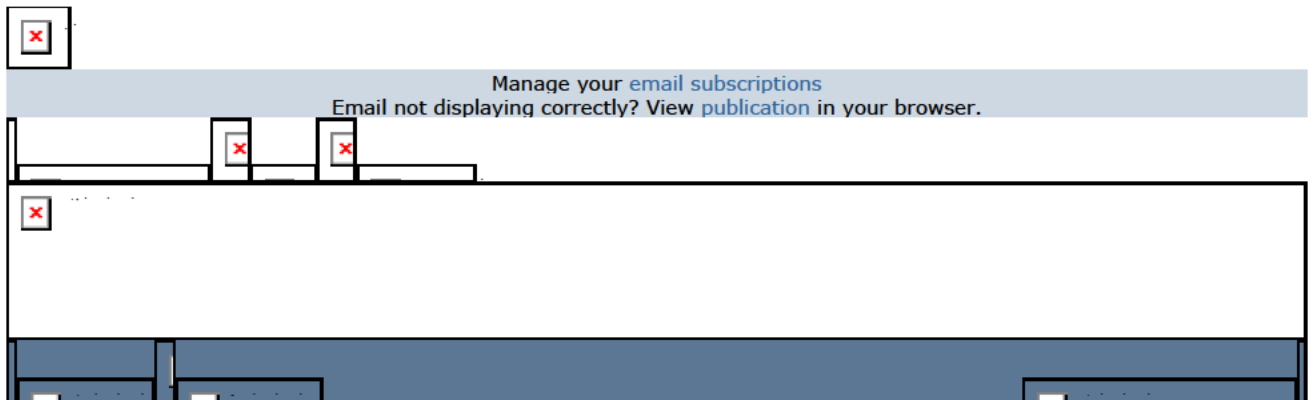
[REDACTED]

(b) (5)

(b) (5)

Thank you,
Anne

Subject: Sep. 2 -- BNA, Inc. Daily Labor Report



Tuesday, September 2, 2014 • Number 169

LEADING THE NEWS

State Laws

Indiana Right-to-Work Act Passes Muster Under Federal Law, Split 7th Circuit Rules

Indiana's right-to-work law that precludes unions from collecting any fees from nonmembers in employee units they represent isn't preempted by federal labor law and doesn't violate the constitutional rights of unions or their...

NEWS

Age Discrimination

Fired Manager Shows Timekeeping Errors May Be Cover for Bank's Age Discrimination

A former office manager with a Wisconsin bank can take to trial her claim that her discharge at age 56 violated the Age Discrimination in Employment Act, a federal judge ruled Aug. 29 (Schaefer v. Bank Mutual, W.D. Wis., No. 3:13-cv-00713, 8/29/14)....

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Age Discrimination

High School Principal Told School Wanted 'Someone Younger' Has Viable ADEA Claim

A high school principal in Michigan, whose contract was not renewed at age 56, raised triable issues under the Age Discrimination in Employment Act because the superintendant told him "they just want somebody younger," the U.S. Court...

Compensation

Study Shows Record Number of Employers Say They Will Use Bonus System This Year

A record number of companies are on track to make larger use of bonuses as a part of employee compensation in 2014, and this upward trend is expected to continue for years to come, a report released Aug. 27 by Aon Hewitt says....

Disabilities

Full 6th Cir. to Hear EEOC Suit Against Ford

The U.S. Court of Appeals for the Sixth Circuit has granted Ford Motor Co. en banc review in an Americans with Disabilities Act case alleging the auto maker violated the act by refusing to allow an employee with irritable bowel syndrome to work...

EEOC

President Obama Taps Vice Chair Yang To Succeed Berrien as Head of Commission

President Barack Obama has named Jenny R. Yang (D) as the chair of the Equal Employment Opportunity Commission, about four months after she was named the agency's vice chair, the EEOC announced Sept. 2....

Entertainment

Metropolitan Opera Stagehands Ratify Deal, As Other Unions Weigh Tentative Agreements

Members of Local 1 of the International Alliance of Theatrical Stage Employees have voted overwhelmingly to ratify a lockout-averting collective bargaining agreement with the Metropolitan Opera, the union announced Sept. 2....

Manufacturing

Manufacturing Sector Expanded in August At Fastest Pace in Three Years, Report Shows

Manufacturing expanded in August at the fastest pace in three years as orders grew by the most in a decade, the Institute for Supply Management reported Sept. 2, showing factories will help power the U.S. economy during the third quarter....

Noncompetition Agreements

California Settles Antitrust Charges For EBay's No-Poaching Deal With Intuit

California Aug. 29 obtained a district court's preliminary approval of its settlement with EBay Inc. on claims the company violated the Sherman Act, Cartwright Act and state unfair competition law by having an agreement with Intuit not...

Noncompetition Agreements

Rejected Deal Over Poaching of Workers Is Easy Fix for Apple and Others, Lawyers Say

Negotiating a deal to settle the class action by employees of Silicon Valley technology companies will not be difficult if defense attorneys use a road map the judge laid out when she rejected a \$324.5 million offer Aug. 8, attorneys said....

Pensions

Industry Groups Ask Fourth Circuit To Rehear R.J. Reynolds 401(k) Plan Case

The U.S. Chamber of Commerce and the American Benefits Council asked a federal appellate court Aug. 25 to rethink its decision holding a pension plan fiduciary to a heightened standard of care (Tatum v. RJR Pension Inv. Comm., 4th Cir., No. 13-1360,...

Restaurants

Fast Food Strikes to Return Sept. 4 in 150 Cities

Fast food workers in at least 150 cities are expected to walk off their jobs Sept. 4, the 11th in a series of coordinated protests since November 2012 calling for a \$15 hourly floor pay and union rights, the national organizing campaign announced...

Retaliation

University Worker With Crohn's Disease Didn't Show Pretext in Contract Nonrenewal

A former University of Puerto Rico employee with Crohn's disease can't proceed to trial with a claim that the university declined to renew her contract in retaliation for her filing disability bias complaints, the U.S. Court of Appeals...

State Laws

Californians Likely to Get Sick-Leave Rights As Lawmakers Pass Measure in Wee Hours

California Gov. Jerry Brown (D) is likely to sign a bill passed in the final moments of the 2014 legislative session Aug. 30 giving at least three paid sick days to 6. 5 million private and public sector employees in California....

Taxes

FedEx Decisions Have State Tax Implications For Companies With Independent Contractors

Ninth Circuit rulings that FedEx delivery drivers in California and Oregon were employees and not independent contractors likely will make FedEx liable for state employment taxes related to those employees....

Trucking

Drivers Allege Breakdown in Cooling-Off Period With Drayage Firms in California

A cooling-off period suggested in July by Los Angeles Mayor Eric Garcetti (D) between nonunion port truck drivers and three drayage companies in California has stalled, the drivers and their advocates, which include the International Brotherhood...

Unions

Poll Finds Most Americans Favor Unions, While Even More Back Right-to-Work Laws

Just over half of Americans approve of labor unions, while an overwhelming majority would vote for a right-to-work law if they had the opportunity, Gallup Inc. poll results showed Aug. 28....

ALSO IN THE COURTS

Also in the Courts: A Roundup of Recent Labor and Employment Rulings

ECONOMIC NEWS

Employment

Some Hiring Plans Down, Layoffs Up Slightly, Employment Outlook Reveals

Employment opportunities for technical/professional employees and office/clerical workers will diminish during the fall, while production/service candidates should see some modest improvement in their hiring prospects in the fourth...

Daily Labor Report®

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
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Agency Website: www.nlr.gov
Telephone: (913)967-3000
Fax: (913)967-3010

Agent's Direct Dial: (913)967-3011

October 3, 2014

Caralyn Olie, Attorney
LaPointe Law, P.C.
1200 Shermer Road, Suite 310
One Lane Center
Northbrook, IL 60062

Re: Carson Management Inc. Restaurant 5796,
LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

Dear Ms. Olie:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-captioned matter.

Allegations: The allegations for which I am seeking your evidence are below. Please address whether the following provisions in the Employer's Handbook are overly broad restrictions on employees' Section 7 rights:

- Under "Special Store Rules" number 7, the rule states: *Employees are prohibited from soliciting any type of product or activity on McDonald's premises (both on the job and off).*
- Under "Special Store Rules" number 11, the rule states: *Do not disclose or make statements to any person, including the media, relating to the company, its business or affairs.*

In addition, please verify if this Employer Handbook is in effect at each of the three locations owned/operated by (b) (6), (b) (7)(C), Carson Management Inc. If it is confirmed that the Employer Handbook referenced above is in effect at each location, please provide the Restaurant Number for each location, address of each location and the name of the General Manager for each location.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you have agreed to present your evidence and position in this matter by Friday, October 10, 2014. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to www.nlr.gov, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not

October 3, 2014

received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me by telephone, (913)967-3011, or e-mail, lynn.fleming@nrlb.gov, so that I can answer any questions you may have with regard to the issues in this matter.

Very truly yours,

/s/ Lynn Fleming

LYNN FLEMING
Field Examiner

From: Caralyn Olie <colie@lapointelaw.net>
Sent: Tuesday, November 18, 2014 8:27 PM
To: Fleming, Lynn
Subject: RE: 14-CA-136628 Request for Information

Lynn,

Thank you for your patience. Carson Management's Sterling location has a sign posted in its parking lot, and the company would be willing to inform employees of revised rules via a note attached to paychecks.

Thank you,
Cara

Caralyn Olie
LaPointe Law, P.C.

1200 Shermer Road, Suite 310 | Northbrook, IL 60062
Phone 847.786.2509 | Fax 847.786.2650
colie@lapointelaw.net | www.lapointelaw.net

Confidentiality Note: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, contact the sender via reply email and destroy all copies of the original message.

Circular 230 Disclosure: Any tax advice contained in this message was not intended or written to be used, and cannot be used (i) by any taxpayer for the purpose of avoiding any penalties that may be imposed on the taxpayer, or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

From: Fleming, Lynn [mailto:Lynn.Fleming@nlrb.gov]
Sent: Friday, November 14, 2014 5:20 PM
To: Caralyn Olie
Subject: FW: 14-CA-136628 Request for Information

Good afternoon,

Just a follow-up to my voice mail message this afternoon.

Please contact me at your earliest convenience Monday morning so that we may further discuss the options for notifying employees of the revisions to the Employee Handbook at all three locations. Additionally, you were inquiring with the Owner/Operator which location(s) has posted a policy against loitering; understanding that if the store shares a parking lot with other retail stores, Carson Management may not have authority to post signs.

We would like to remedy these allegations by cob Tuesday, November 18, 2014, so that this case doesn't get mixed up with the ongoing single/joint Employer investigation.

Thank you,
Lynn

Lynn Fleming, Field Examiner
National Labor Relations Board

Subregion Seventeen
8600 Farley, Suite 100
Overland Park, KS 66212
E-mail lynn.fleming@nlrb.gov
Phone (913) 967-3011
Fax (913) 967-3010

From: Fleming, Lynn
Sent: Monday, November 10, 2014 10:51 AM
To: 'Caralyn Olie'
Subject: RE: 14-CA-136628 Request for Information

Good morning Cara,

Thank you for your response last week. Can you please provide the location(s) owned by Carson Management where a sign against loitering is posted in the parking lot(s).

Also, during our telephone conversation I inquired how the employees could be notified of the changes to the two sections of the handbook in each location. Is there a bulletin board at each location where the modified portions can be posted; and can the modified portions be inserted into each employees' paycheck; or if direct deposit, into each employees' paystub?

Once I have this information, I can return to the Union for further discussion of withdrawing the charge. Thank you,

Lynn

Lynn Fleming, Field Examiner
E-Mail lynn.fleming@nlrb.gov
Phone (913) 967-3011
Fax (913) 967-3010

From: Caralyn Olie [<mailto:colie@lapointelaw.net>]
Sent: Wednesday, November 05, 2014 1:04 PM
To: Fleming, Lynn
Subject: 14-CA-136628 Request for Information

Lynn,

Thank you for reaching out via phone this week. I looked into your two inquiries: whether the handbook was in place in all locations owned by Carson Management, and whether any signs in restaurant parking lots reflect a No Solicitation/No Loitering policy. The handbook is in place at each of Carson Management's three locations as listed on the front of the manual.

Carson Management has consistently enforced a policy against outside organizations soliciting in restaurant parking lots, and has posted a policy against loitering in at least one of its parking lots. Carson Management has in all cases denied requests from Girl Scouts and similar outside organizations asking to use the parking lot to sell items. In addition, because customers make regular and consistent use of the drive-thru lane, which is part of the parking lot, the practical reality of Carson Management's premises is that a restriction on solicitation in the parking lot amounts to a restriction on solicitation in any other customer area, a restriction which you indicated was acceptable.

Thank you,
Cara

Caralyn Olie
LaPointe Law, P.C.

1200 Shermer Road, Suite 310 | Northbrook, IL 60062

Phone 847.786.2509 | Fax 847.786.2650

colie@lapointelaw.net | www.lapointelaw.net

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Circular 230 Disclosure: Any tax advice contained in this message was not intended or written to be used, and cannot be used (i) by any taxpayer for the purpose of avoiding any penalties that may be imposed on the taxpayer, or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

From: Fleming, Lynn
Sent: Thursday, November 20, 2014 1:03 PM
To: 'fred@wickham-wood.com'
Subject: CARSON MANAGEMENT INC. RESTAURANT 5796, LLC, D/B/A MCDONALDS, 14-CA-136628

Fred:

During the course of the investigation of Case 14-CA-129374, in reviewing the Employer's handbook, the Region questioned whether Rules Number 7 and 11 were overly broad restrictions on employees' Section 7 rights.

- Under "Special Store Rules" number 7, the rule states: *Employees are prohibited from soliciting any type of product or activity on McDonald's premises (both on the job and off).*
- Under "Special Store Rules" number 11, the rule states: *Do not disclose or make statements to any person, including the media, relating to the company, its business or affairs.*

You filed the instant charge on September 12, 2014, on behalf of Worker's Organizing Committee-Kansas City, recognizing that it appears that these rules have not been disparately applied. The Employer has agreed to modify policies 7 and 11 in the following manner:

Rule Number 7. For purposes of this policy, solicitation means requesting funds, purchases, services, membership in any organization, or commitments to outside organizations or causes. Distribution means handing out, dropping off, or leaving behind written material.

Solicitation by non-employees and distribution of literature for any purpose by non-employees is prohibited at all times anywhere on company property, including parking lots.

Solicitation by employees is prohibited on company property, including parking lots, during employees' working time or when the employee being solicited is on working time. Working time is the time employees are expected to be working and does not include rest, meal, or other authorized breaks. Solicitation by employees is also prohibited even when not on working time if such solicitation takes place in an area of the store frequented by customers.

Distribution of literature by employees is prohibited on company property, including parking lots, during employees' working time, as defined above, or when the employee receiving the materials is on working time. Distribution by employees is also prohibited even when not on working time if such distribution takes place in an area of the store frequented by customers or in employees' working areas. Company property, including parking lots, must be kept clean and free of litter at all times."

Rule number II. Do not disclose to individuals not employed by Carson Management, confidential customer credit card information, restaurant sales figures, guest counts, business plans, how food or marketing promotions are doing, co-workers' personal health information you have learned through your official duties as Carson management employee.

As we discussed this morning, with respect to the second paragraph of Rule Number 7, it appears that the Employer is codifying their past practice of consistently enforcing a policy against outside organizations soliciting in restaurant parking lots. The Employer has posted a policy against loitering in at least one of its parking lots (Sterling location), and the Employer has denied requests from Girl Scouts and similar outside organizations asking to use the parking lot to sell items. Again, there is no controlling evidence that this portion of the rule has been discriminatorily applied.

The Employer will agree to post the revised rules of the handbook on the bulletin boards, in all three locations, where notices to employees are routinely posted. Additionally, the Employer will agree to inform employees of the revised rules by attaching a note to each employees' paycheck.

Please let me know your client's position on withdrawing the charge, based upon the Employer's efforts described above. Of course, there is a sense of urgency in this matter as this is a pre-determination attempt to remedy the overly broad rules. Thank you for your assistance.

Lynn

Lynn Fleming, Field Examiner
National Labor Relations Board
Subregion Seventeen
8600 Farley, Suite 100
Overland Park, KS 66212
E-mail lynn.fleming@nrlrb.gov
Phone (913) 967-3011
Fax (913) 967-3010

From: Taves, Mary G.
Sent: Tuesday, December 2, 2014 12:50 PM
To: Dunham, Geoffrey; Tursell, Beth
Subject: Merit Dismissals in Devera Management, Inc. d/b/a McDonald's and McDonald's USA, LLC 14-CA-131858 and Carson Management d/b/a McDonald's and McDonald's USA, LLC 14-CA-136628

Geoff and Beth,

Just a quick note to try to get an answer on (b) (5)

 an answer either way
would be appreciated.

Thanks,

Mary

Mary G. Taves

Deputy Regional Attorney

NLRB Subregion 17

8600 Farley, Ste. 100

Overland Park, KS 66212

913 967-3003 913 967-3010 (fax)

mary.taves@nrlb.gov

From: Taves, Mary G.
Sent: Wednesday, December 10, 2014 3:07 PM
To: Fleming, Lynn
Subject: FW: Affirmation: Carson Management Inc. Restaurant 5796, LLC, d/b/a McDonald's and McDonald's USA, LLC as Joint or Single Employer, Case 14-CA-136628
Attachments: FIR.14-CA-136628.FIR - Agenda Outline.docx

Lynn,

Here is Region 2's agreement that a merit dismissal is appropriate in Carson Management 14-CA-136628. (b) (5)

Let's go ahead and get the merit dismissal drafted and out asap.

Thanks,

Mary

From: Dunham, Geoffrey
Sent: Monday, December 08, 2014 3:13 PM
To: Stuart, Naomi L.; Taves, Mary G.
Cc: Jaffe, Leah Z.; Tursell, Beth
Subject: FW: Affirmation: Carson Management Inc. Restaurant 5796, LLC, d/b/a McDonald's and McDonald's USA, LLC as Joint or Single Employer, Case 14-CA-136628

Mary/Naomi, your decision in above case is affirmed. OK to process the merit dismiss decision. Geoff

From: Dunham, Geoffrey
Sent: Tuesday, November 25, 2014 5:05 PM
To: Fernbach, Karen P.; Jaffe, Leah Z.
Subject: FW: Request Affirmation: Carson Management Inc. Restaurant 5796, LLC, d/b/a McDonald's and McDonald's USA, LLC as Joint or Single Employer, Case 14-CA-136628

Recommend affirmation of merit dismiss decision on overly broad rule that was retracted. Management decision below. For more facts, open attached FIR link.

REGIONAL DETERMINATION

I agree. Issuance of a merit dismissal regarding the Employer's maintenance of overly broad rules Number 7 and 11 is warranted (b) (5)

Daniel L. Hubbel, Regional Director

Date: 11/21/14

I agree with the recommendation to issue a merit dismissal with regard to the allegations that the Employer previously maintained overbroad rules Number 7 (no solicitation) and Number 11 (non-disclosure) in violation of 8(a)(1)(b) (5)

(b) (5)

Accordingly, I agree with Lynn and Mary that it is appropriate to (b) (5) issue a merit dismissal.

(b) (5)

Naomi L. Stuart, Officer in Charge

Date: 11-21-14

I agree with Fleming that in these circumstances a merit dismissal is warranted. (b) (5)

Mary G. Taves, Deputy Regional Attorney

Date: November 21, 2014

From: Taves, Mary G.

Sent: Friday, November 21, 2014 3:22 PM

To: Dunham, Geoffrey

Cc: Stuart, Naomi L.; Taves, Mary G.; Fleming, Lynn; Tursell, Beth

Subject: Agenda Outline in Carson Management Inc. Restaurant 5796, LLC, d/b/a McDonald's and McDonald's USA, LLC as Joint or Single Employer, Case 14-CA-136628

Geoff,

Happy Thanksgiving! Attached find Region 14's most recent determination in the above-captioned McDonald's case. As you will see, the RD determined that a merit dismissal is appropriate in these circumstances. (b) (5)

Thanks,

Mary

December 10, 2014

MEMORANDUM


TO: File DATE: December 10, 2014

RE: Carson Management Inc. Restaurant 5796, LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

FROM: Mary Taves, DRA

CONVERSATION WITH

(b) (5), (b) (6), (b) (7)(C)



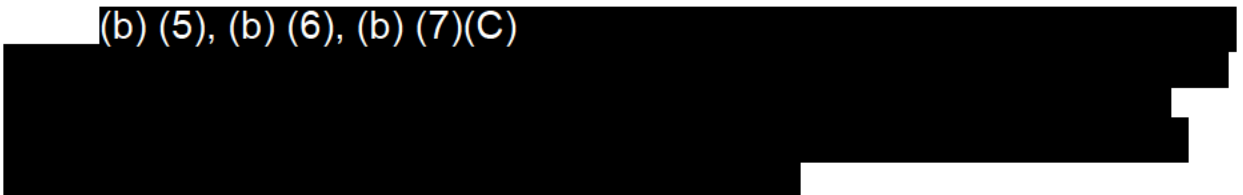
TO: File DATE: November 17, 2014

RE: Carson Management Inc. Restaurant 5796, LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

FROM: Lynn Fleming, FX

CONVERSATION WITH

(b) (5), (b) (6), (b) (7)(C)





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

December 12, 2014

Fred Wickham, Attorney
Wickham & Wood, LLC
4317 S River Blvd
Independence, MO 64055-4586

Re: Carson Management Inc. Restaurant 5796,
LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

Dear Mr. Wickham:

We have carefully investigated and considered your charge that Carson Management Inc. Restaurant 5786, LLC (the Employer) has violated the National Labor Relations Act.

Conditional Decision to Dismiss: Based on that investigation, it appears that your charge alleging that the Employer restricted employees from engaging in union or protected, concerted activities through its maintenance of overly broad rules limiting employee solicitation and contact with outside parties, including the media, may have merit. However, during the investigation the Employer promptly rescinded and revised its rules that were alleged to be overbroad and the Employer also agreed to notify employees of the rescission of these rules. Accordingly, I have conditionally decided to dismiss your charge 6 months from today because the rules at issue herein have been rescinded and there have not been other meritorious charges against the Employer for the past several years. In addition, there is also no evidence that the overly broad rules were discriminatorily enforced.

If a meritorious charge involving other unfair labor practices is filed against the Employer during that period, I will reconsider whether further proceedings on this charge are warranted.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is **due on December 29, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 27, 2014. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 29, 2014**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received **after December 29, 2014, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

DANIEL L. HUBBEL
Regional Director

By: */s/ Naomi Stuart*

NAOMI STUART
Officer in Charge

DLH:kec
Enclosure
cc: see page 3

Carson Management Inc. Restaurant 5796, - 3 - December 11, 2014
LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

cc: Doreen S. Davis, Attorney
 Jones Day
 222 East 41st Street
 New York, NY 10017-6727

 Joshua Grossman, ESQ.
 Jones Day
 222 E 41st Street
 New York, NY 10017-6702

 Michael S. Ferrell, ESQ.
 JONES DAY
 77 W Wacker Dr., Ste 3500
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 Andrew G. Madsen, ESQ.
 Jones Day
 77 W. Wacker Drive, Suite 3500
 Chicago, IL 60601-1701

 Caralyn M. Olie, Attorney at Law
 LaPointe Law, P.C.
 1200 N Shermer Rd
 Ste 310
 Northbrook, IL 60606

(b) (6), (b) (7)(C)
Carson Management Inc. Restaurant 5786,
LLC
16802 Gudgell Road
Independence, MO 64055

MCDONALD'S USA, LLC AS JOINT OR
SINGLE EMPLOYER
ONE MCDONALD'S PLAZA
OAK BROOK, IL 60523

Worker's Organizing Committee-Kansas City
PO Box 5946
Kansas City, MO 64171

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 - 14th Street, N.W.
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

MEMORANDUM

TO: File

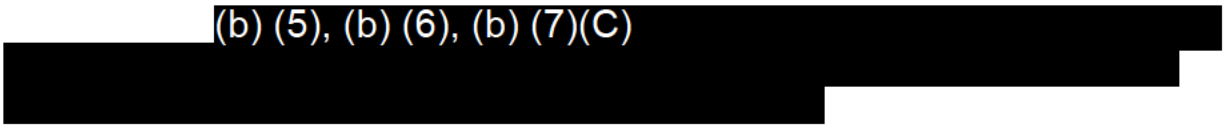
DATE: January 12, 2015

RE: Carson Management Inc. Restaurant 5796, LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

FROM: LYNN FLEMING, FIELD EXAMINER

CONVERSATION WITH CAROLYN OLIE

(b) (5), (b) (6), (b) (7)(C)



M.L.F.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 17
8600 Farley St Ste 100
Overland Park, KS 66212-4677

Agency Website: www.nlrb.gov
Telephone: (913)967-3000
Fax: (913)967-3010

June 15, 2015

Fred Wickham, Attorney
Wickham & Wood, LLC
4317 S River Blvd
Independence, MO 64055-4586

Re: Carson Management Inc. Restaurant 5796,
LLC, d/b/a McDonald's and McDonald's
USA, LLC as Joint or Single Employer
Case 14-CA-136628

Dear Mr. Wickham:

We have carefully investigated and considered your charge that Carson Management Inc. Restaurant 5786, LLC has violated the National Labor Relations Act.

Decision to Dismiss: On December 12, 2014, I informed you I would dismiss this charge unless I decided that the Charged Party had committed additional violations of the Act that would make dismissal of your charge inappropriate. Since that has not happened, I am dismissing your charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

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Very truly yours,

DANIEL L. HUBBEL
Regional Director

By: */s/ Mary G. Taves*

Mary G. Taves
Acting Officer in Charge

DLH:kec
Enclosure

cc: Doreen S. Davis, Attorney
JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017-6727

Joshua Grossman, ESQ.
JONES DAY
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New York, NY 10017-6702

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McDonald's USA, LLC As Joint Or
Single Employer
One McDonald's Plaza
Oak Brook, IL 60523

(b) (6), (b) (7)(C)
Carson Management Inc. Restaurant 5786, LLC
16802 Gudgell Road
Independence, MO 64055

Worker's Organizing Committee-
Kansas City
PO Box 5946
Kansas City, MO 64171

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
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Room 8820, 1099 - 14th Street, N.W.
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Date:

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Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)